

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Before the court is plaintiff's motion to amend her complaint (#22). Defendant has opposed (#24). Plaintiff has not replied.

1 concludes that the amendment should be allowed. The court notes  
2 that while plaintiff's action to set aside the foreclosure may very  
3 well be time barred, that is a matter more appropriately addressed  
4 in a motion to dismiss the amended complaint, especially given that  
5 defendant's argument regarding the notice of lis pendens was not  
6 raised until its reply.

7 The record indicates that two of the five new defendants may  
8 reside in California. (See Pl. Am. Compl. 9 ("The Defendants  
9 Trussell lives [sic] in Palmdale California.")). As plaintiff also  
10 appears to be a citizen of California, the addition of these  
11 defendants could destroy this court's diversity jurisdiction if  
12 those defendants are considered citizens of California. A

13 natural person's state citizenship is . . .  
14 determined by her state of domicile, not her  
15 state of residence. A person's domicile is her  
16 permanent home, where she resides with the  
17 intention to remain or to which she intends to  
18 return. A person residing in a given state is  
19 not necessarily domiciled there, and thus is  
20 not necessarily a citizen of that state. See,  
21 e.g., *Weible v. United States*, 244 F.2d 158,  
22 163 (9th Cir.1957) ("Residence is physical,  
23 whereas domicile is generally a compound of  
24 physical presence plus an intention to make a  
25 certain definite place one's permanent abode,  
26 though, to be sure, domicile often hangs on the  
27 slender thread of intent alone, as for instance  
28 where one is a wanderer over the earth.  
Residence is not an immutable condition of  
domicile.").

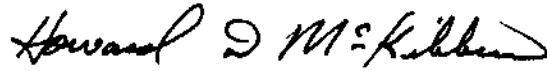
22 *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001)  
23 (internal citations omitted). The plaintiff is therefore ordered  
24 to advise the court of the state of citizenship of each of the  
25 newly named defendants, as well as her own, on or before January  
26 14, 2013.

27 In accordance with the foregoing, the plaintiff's motion to  
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1 amend her complaint (#22) is **GRANTED**. The clerk of the court shall  
2 detach and separately file the proposed amended complaint attached  
3 to the plaintiff's motion (#22). Plaintiff shall advise the court  
4 in accordance with this order on or before January 14, 2014.

5 IT IS SO ORDERED.

6 DATED: This 31st day of December, 2013.

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9 UNITED STATES DISTRICT JUDGE  
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